REMARKS

Claims 16-20 are pending in the application. These claims were rejected as follows:

Claims / Section	35 U.S.C. Sec.	References / Notes
16–20	§103(a) Obviousness	• Yacoub (U.S. Patent Publication No. 2003/0011805); and • Durst (U.S. Patent No. 6,108,656).

5 **35 U.S.C. §103(a), CLAIMS 16–20 OBVIOUSNESS OVER YACOUB IN VIEW OF DURST**

1. Durst does not contain a disclosure of storing and transmitting datafiles that are executable on the server and the client, but rather simply discloses the transmission of static datafiles or the transmission of dynamically created datafiles.

10 In the OA, on p. 3, the Examiner indicates that Yacoub does not explicitly disclose the first three elements of claim 16, but then indicates that Durst discloses these elements.

Applicants respectfully disagree. Durst does disclose datafiles stored on the server that are called by sending an address to the server and that these files

15 are transferred form the web server to the client. However, this is nothing more than a normal request for a web page from a web client to a web server. In the relevant portion to the nature of the datafile transmitted, Durst states, at 9:11–24:

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> As shown in step 262, if a pre-existing file (i.e a static web page) was requested, then the file is obtained from storage 50, wherein the location is a function of the file identifier (ID) taken from the file location pointer. In this event, the file is fetched from the appropriate location at step 268 and returned to the

client computer via the Internet at step 270. The file is then displayed on the client browser at step 272.

If, however, a static page was not requested, but a dynamic page must be generated, then the dynamic page is generated at step 266, for example as a function of the user data and file ID. This could occur where the file to be returned is customized to a user in accordance with is or her identifying indicia. The generated page is then returned to the client browser via the Internet as described above.

This portion of Durst only discloses a transmission of a datafile that is a static pre-existing file or a dynamically generated file. However, there is nothing in the disclosure of Durst that suggests that this file is an executable file, let alone an executable file that is executable in the server and in the client. In all likelihood, given the November 8, 1996, filing date (of the provisional application date upon which this patent claims the benefit) of this reference, the static and dynamically generated files were in all likelihood simple text files. There is no hint or suggestion that these files are executable in any form.

Since Durst lacks a teaching of these claimed elements, with all claimed limitations, Durst cannot be used to provide the lack of teaching in Yacoub, and therefore, the present invention is not obvious in light of this combination of references.

2. *Applicant has amended claim 16 to indicate that the inquiry is performed utilizing the transmitted data files defined in the first three elements of the claim.*

Claim 16 has been amended to more tightly tie together the first three elements of the claim with the last four elements—namely, the amendment requires that the inquiring by the client to the server is performed using the

transmitted datafiles with the characteristics identified in the first three elements

of the claim. Support for this limitation can be found in paragraph [0034] of the

specification. In view of the arguments above, and the fact that no such switching

occurs using the transmitted data files the combination of Yacoub and Durst do

5 not obviate the presently claimed invention.

For these reasons, the Applicant asserts that the amended claim

language clearly distinguishes over the prior art, and respectfully request that the

Examiner withdraw the §103 rejection from the present application.

CONCLUSION

10   Inasmuch as each of the objections have been overcome by the present

amendments and arguments presented above, and all of the Examiner's

suggestions and requirements have been satisfied, it is respectfully requested

that the present application be reconsidered, the rejections be withdrawn and

that a timely Notice of Allowance be issued in this case.

15   Please charge any fees which may be due and owing or credit any

overpayments with regard to this application to Deposit Account No. 501519.

Respectfully submitted,

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